

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MICHAEL D. SABOURIN,

Plaintiff

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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Civil Action No. 3:11-CV-2109-M-BK

**FINDINGS, CONCLUSION AND RECOMMENDATION**

Pursuant to *Special Orders* 3-251 and 3-283, this case has been referred to the undersigned for Findings, Conclusions, and Recommendation. On February 28, 2012, Plaintiff filed his *Motion for Summary Judgment* (Doc. 12). On March 29, 2012, the Commissioner filed a *Motion to Remand to Social Security Administration*, seeking a remand of the case pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings. (Doc. 15). Because the Commissioner's *Motion to Remand* is unopposed, it is recommended that the motion be **GRANTED** and that the case be reversed and remanded for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). Accordingly, it is further recommended that Plaintiff's *Motion for Summary Judgment* (Doc. 12) be **DENIED AS MOOT**.

**SO RECOMMENDED** on April 4, 2012.

  
RENÉE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND  
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of these findings, conclusions and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

  
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RENÉE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE